SINGLE BENCH

P.R. No. 5566/05 3
Presented by Shri Manoj Majumdar
dated 24/11/05 Cl. 100

(1)

IN THE HIGH COURT OF JUDICATURE AT BILASPUR

CHHATTISGARH

WRIT PETITION NO. 5733 /2005

PETITIONER : Jairam, S/o Shri Dukhu,

Aged about 49 years, R/o Village Ghota, Thana – Bhanupratappur, District-Kanker (C.G.)

VERSUS

RESPONDENTS : 1. State of Chhattisgarh
Through-the Secretary,
Public Works Department,
D.K.S. Bhawan, Raipur (C.G.)

2. Sub-Divisional Officer
Public Works Department, R.B. Road, District - Bhanupratapur (C.G.)

WRIT PETITION UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA

XI-HC-22

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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक W.P. - 5733/05 सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

5-12-2005

Shri Anoop Majumdar, Counsel for the petitioner.

Shri Sandeep Dubey, Govt. Adv. for the State.

Heard.

Counsel for the petitioner submits that the matter relates to gang man. He further submits that in batch of cases, including W.P. No. 1722/2003 (Mohanlal Dadsena and others –v- State of Chhattisgarh and others), orders have been passed on 15th September 2005.

This fact is not in a position to dispute this fact.

Shri Majumdar submits that the petitioner approached to the authorities but he has not given the relief as there is no court order. Accordingly this petition has been filed.

In the order dated 15-9-2005 passed in W.P. No. 1722/2003 in batch of cases, the Court has held as under:-

"3.....Purport of the order is quite clear and unabmibuous as it appears from the perusal of the order as well as from the contentions of the petitioners that the gang men who have not completed the age of 60 years as on 30-03-2005, they will be allowed to continue till they attain the age of 60 years. It is informed by the learned counsel for the petitioners(s) that some of the gang men, who have already retired on completion of 30 years of service, have been paid retiral benefits i.e. gratuity only. This will be unfair, if the petitioners, who have retired before 30-03-2005 on completion of 30 years of service, though they have still some years to go before 60 years of age, are not given benefit of order dated 30-03-2005.

4. For the reasons stated above, the respondents are directed to allow all the gang men, who had retired on completion of 30 years of service but have

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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

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not attained the age of 60 years, to rejoin the services and continue till they attain the age of 60 years, subject to depositing the retiral benefits, if any, given to them.

(5) In some of the petitions, the petitioners have prayed for regularization of their services as Gang man. Learned counsel for the petitioners submit that the said prayer be dismissed as not pressed at present. However, the liberty be granted to the petitioners to raise the issue of regularization before the appropriate forum, if necessary. The petitions with regard to the prayer of regularization are dismissed as not pressed with liberty to the petitioners to raise the dispute seeking redressal of the relief of regularization, if necessary, before the appropriate forum.

(6) In view of the foregoing, the petitions stand allowed to the extent indicated above. The respondents are further directed to comply with this order within a period of two months from the date of receipt/communication of this order. No order as to costs."

This petition also stands allowed to the extent indicated above to the extent of order passed in W.P. 1755/2003. The respondents are further directed to comply with the orders within a period of two months from the date of communication/production of this order.

M.W.P. No. 4541/2005 stands disposed of

C.c. as per rules.

Sd/-
Fakhruddin
Judge

Pathak

9.12.05

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